

PROPOSITION 119

military preservation; land exchanges

ANALYSIS BY LEGISLATIVE COUNCIL

[CHAIRMAN'S DRAFT]

1 In 1910, the United States Congress passed the Arizona-New Mexico Enabling
2 Act, allowing Arizona to become a state. The Enabling Act granted Arizona
3 approximately 10.9 million acres of land, referred to as "state trust land". The state land
4 trust is intended to produce revenue for various public institutions (schools, colleges,
5 prisons, etc.). The state can lease or sell trust land, and the natural products (timber,
6 minerals, etc.) of the land, only to the "highest and best bidder" at public auction.

7 In 1936, Congress amended the Enabling Act to give Arizona more flexibility in
8 managing and disposing of trust land by allowing the state to exchange trust land for
9 other public or private lands. Arizona did not amend its state Constitution to incorporate
10 that authority for land exchanges. The Arizona Supreme Court has determined that
11 without amending the Arizona Constitution, the state cannot conduct land exchanges.

12 Proposition 119 would amend the Arizona Constitution to allow the state to
13 exchange state trust land for other public land in this state if the following requirements
14 are met:

- 15 1. The exchange must be in the best interest of the state land trust.
- 16 2. The purpose of the exchange must be to either assist in preserving and
17 protecting military facilities in this state from encroaching development or to improve the
18 management of state lands for the purpose of sale or lease, or conversion of state land to
19 public use.
- 20 3. There must be two independent appraisals that show that the true value of the
21 land the state receives in the exchange is equal to or greater than the true value of the
22 trust land the state conveys. There also must be two independent analyses that detail the
23 income to the state land trust before and the projected income to the trust after the
24 exchange, the financial impact of the exchange on each county, city, town and school
25 district in which the lands are located, the physical, economic and natural resource
26 impacts of the exchange on the local community and the impacts on local land uses and
27 land use plans.
- 28 4. A detailed public notice of a proposed exchange must be given, public
29 hearings must be held and an opportunity for public comment must be given.
- 30 5. A proposed exchange is not effective unless it is approved by the voters at a
31 statewide November general election.